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March 1, 1921.

United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*★ MAR 14 1921 ★
U. S. Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS.

REGULATIONS FOR THE PROTECTION OF GAME IN CERTAIN LOCALITIES IN ALASKA.

By virtue of the authority conferred upon the Secretary of Agriculture by section 2 of the act of May 11, 1908 (35 Stat., 102; Compiled Laws of Alaska, sec. 331), entitled, "An act to amend an act entitled 'An act for the protection of game in Alaska, and for other purposes,' approved June 7, 1902," the following regulations for the protection of game in Alaska are made and published to take effect March 1, 1921:

REGULATION 1.—OPEN SEASONS FOR BIG GAME.

The killing of deer in southeastern Alaska east of longitude 141° is hereby limited to deer having horns not less than 3 inches long, and the season for killing such deer is limited to the period from September 1 to November 15, both dates inclusive.

The killing of moose, caribou, and mountain sheep in Alaska north of latitude 62° is hereby limited to the period from August 20 to December 31, both dates inclusive.

The killing of mountain goats east of Cook Inlet and the Susitna River (except on the eastern part of the Kenai Peninsula, as specified in Regulation 9) and in southeastern Alaska east of longitude 141° is hereby limited to the period from August 20 to October 31, both dates inclusive.

REGULATION 2.—LIMITS.

The number of deer that may be killed by any one person during the open season in southeastern Alaska east of longitude 141° is hereby limited to three. The number of goats that may be killed by any one person during the open season is hereby limited to three.

REGULATION 3.—THE KILLING OF FEMALES AND YOUNG OF CERTAIN ANIMALS.

The killing of female mountain sheep, female deer, mountain-sheep lambs, mountain-goat kids, and fawns of deer and caribou south of the Arctic Circle is hereby prohibited.

REGULATION 4.—DEER ON CERTAIN ISLANDS.

The killing of deer on Kodiak Island and Long Island; on the islands of Hawkins, Hinchinbrook, and Montague, in Prince William Sound; and on the

following islands in southeastern Alaska: Duke Island, near Dixon Entrance; Gravina Island, near Ketchikan; Kruzof Island, west of Sitka; San Juan Island and Suemez Island, near Klawak; and Zerembo Island, near Wrangell, is hereby prohibited until March 1, 1923.

REGULATION 5.—THE SALE OF DEER MEAT IN SOUTHEASTERN ALASKA, AND POSSESSION OF DEER AND PARTS THEREOF KILLED IN CLOSE SEASON.

The sale, directly or indirectly, of deer meat in southeastern Alaska east of longitude 141° is hereby prohibited; and no deer meat shall be procured for serving and served in any boarding house, café, cannery, eating house, hotel, mess house, or restaurant by the proprietor thereof or his agent, in southeastern Alaska east of longitude 141° , and no deer meat or caribou meat shall be received or served on board any steamer or other vessel in the waters of the South Coast of Alaska between Unimak Pass and Dixon Entrance. Possession of deer, or any part thereof, killed in the close season, is prohibited, except possession thereof by natives, miners, and explorers in accordance with the exemptions contained in section 1 of the Alaska game law of May 11, 1908 (35 Stat., 102, Compiled Laws of Alaska, sec. 331).

REGULATION 6.—SALE OF MEAT, CARCASSES OR PARTS THEREOF OF MOOSE, CARIBOU, MOUNTAIN SHEEP, AND MOUNTAIN GOATS, IN PARTS OF SOUTHERN ALASKA.

The sale, directly or indirectly, of the meat, carcasses or parts thereof, of moose, caribou, mountain sheep, or mountain goats, in Alaska south of the summit of the Chugach or Coast Range Mountains, including all of the Kenai Peninsula, and the Alaska Peninsula, and thence east to longitude 141° , and the shipping of the meat, carcasses or parts thereof, of said animals, for sale from Anchorage, Seward, or other points on the Kenai Peninsula or from points on the Alaska Peninsula, is hereby prohibited; and no meat, carcasses or parts thereof, of said animals shall be accepted for shipment to other points in Alaska unless accompanied by affidavit of the owner that they were not purchased and are not intended for sale.

The meat of moose, caribou, mountain sheep, or mountain goats, shall not be procured for serving and served in any boarding house, café, cannery, eating house, hotel, mess house, or restaurant by the proprietor thereof or his agent in Alaska south of the summit of the Chugach or Coast Range Mountains, including all of the Kenai Peninsula and the Alaska Peninsula, and thence east to longitude 141° .

REGULATION 7.—HIRING HUNTERS PROHIBITED.

The hiring of any person, directly or indirectly, to kill or capture game birds or game animals for any boarding house, café, cannery, eating house, hotel, mess house, or restaurant in Alaska south of the Arctic Circle is hereby prohibited.

REGULATION 8.—HUNTING DEER OR MOOSE WITH ARTIFICIAL LIGHTS.

Hunting or killing deer or moose in southeastern Alaska with the aid of fires or with the use of jacklights, searchlights, or other artificial lights is prohibited.

REGULATION 9.—KILLING OF CARIBOU AND MOUNTAIN SHEEP ON THE KENAI PENINSULA.

The killing of caribou on the Kenai Peninsula is hereby prohibited until March 1, 1923.

The killing of mountain sheep and mountain goats in the eastern part of the Kenai Peninsula east of longitude 150° (the location of which is indicated by a north and south line passing through the Stalter Place on Kenai River) is hereby prohibited until March 1, 1923.

REGULATION 10.—KILLING GAME AND BIRDS TO FEED DOGS AND FOXES.

No game animal or game bird shall be killed, and no such animal or bird or the carcasses or parts thereof shall be sold, purchased, or procured, for the purpose of feeding them to foxes or other fur-bearing animals in captivity or to dogs bearded for pay.

REGULATION 11.—PREVENTING DESTRUCTION OF GAME BY DOGS.

Killing or permitting the killing of moose, deer, caribou, mountain sheep, or mountain goats with dogs, permitting any of the said animals to be killed by dogs, or permitting dogs to hunt moose, deer, caribou, mountain sheep, or mountain goats, in Alaska south of the Arctic Circle is hereby prohibited. On the Kenai Peninsula no dogs shall be allowed to run at large or, unless accompanied by or under the immediate control of their owners or custodians, shall be allowed outside the immediate vicinity of the towns of Hope, Kenai, Roosevelt, Seldovia, Seward, and Sunrise. For the purposes of this regulation the immediate vicinity of the towns shall be considered to mean 1 mile in any direction from the post office.

REGULATION 12.—USE OF POISONS TO KILL PREDATORY ANIMALS.

The use of strychnine or other poisons in killing predatory animals in Alaska is forbidden, except that poison may be used under official directions for the destruction of wolves and coyotes by game and fur wardens of the Department of Agriculture and by game wardens in the Territorial service.

On and after March 1, 1921, all regulations for the protection of game in Alaska made and published by the Secretary of Agriculture under authority of the Alaska game law prior to the regulations hereby made and published, except the regulations of August 1, 1908, relating to the collection of specimens for scientific purposes and the capture or shipment of live animals and birds for exhibition or propagation, and the export of specimens from Alaska, shall be and are hereby revoked.

In testimony whereof, I have hereunto set my hand and official seal in the District of Columbia, this 21st day of February, 1921.

[SEAL.]

E. T. MEREDITH,
Secretary of Agriculture.

March 29, 1921.

United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

SERVICE AND REGULATORY ANNOUNCEMENTS.

IMPORTATION OF QUAIL FROM NORTHEASTERN MEXICO.

NOTICE REGARDING PERMITS.

Under authority of law, notice is hereby given that, until further order, permits issued or which may be issued under the "Regulations Governing the Importation of Quail into the United States from Northeastern Mexico," approved and effective November 13, 1916, will authorize the entry of such quail only between November 15 and April 20 of the following year, inclusive.

In order to reduce the danger of introduction of quail diseases, applicants will be required to show that they are qualified to handle quail in captivity. Permits will be issued only to those who are properly qualified and have facilities to care for the birds in accordance with the regulations.

E. D. BALL,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1921.*

AMENDMENT OF THE REGULATIONS GOVERNING THE IMPORTATION OF QUAIL FROM NORTHEASTERN MEXICO.

Effective March 10, 1921, quail from northeastern Mexico, if free from disease, will be admitted without quarantine, but subject to inspection at the ports of Eagle Pass, Laredo, and Brownsville, Tex., and New York, N. Y., under the conditions specified in "Regulations Governing the Importation of Quail into the United States from Northeastern Mexico," adopted and approved November 13, 1916, and the amendments thereof.

Quail will be examined at the ports of entry by inspectors of the Department of Agriculture and the exact number marked on each crate. If found free from quail disease, coccidiosis, or other disease, the permits will be marked with the number of birds in the shipment and indorsed by the inspector "Inspected and found free from disease" before the permits are accepted by officers of the customs. If indications of disease of any kind are found the quail will be held in quarantine at the expense of the importer until such time as the inspector is satisfied that they are free from disease or as the Department of Agriculture may direct.

Quail will be passed by inspectors only when shipped in sanitary crates which conform to the specifications and when not crowded in excess of the limits stated in the regulations hereinbefore mentioned.

D. F. HOUSTON,

Secretary of the Treasury.

E. D. BALL,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1921.*

United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

SERVICE AND REGULATORY ANNOUNCEMENTS.

MIGRATORY BIRD TREATY, ACT, AND REGULATIONS.¹CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN
FOR THE PROTECTION OF MIGRATORY BIRDS IN THE UNITED
STATES AND CANADA.²

[39 Stat., 1702.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective plenipotentiaries at Washington, on the sixteenth day of August, one thousand nine hundred and sixteen, the original of which Convention is word for word as follows:

Whereas, Many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

Whereas, Many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British

¹ Including amendments of the regulations approved October 25, 1918; July 28, 1919; July 9, 1920; March 3, 1921; and May 17, 1921.

² Signed at Washington August 16, 1916; ratification advised by the Senate August 29, ratified by the President September 1, and by Great Britain October 20; ratifications exchanged December 7; proclaimed December 8, 1916. Constitutionality of the treaty and act sustained by the United States Supreme Court in decision rendered April 19, 1920, in case of *State of Missouri v. Ray P. Holland*.

Canada, by an act of Parliament approved August 29, 1917, gave full effect to this convention, and promulgated regulations thereunder May 11, 1918. Validity of act of Dominion Parliament upheld by Supreme Court of Prince Edward Island in decision (Michaelmas term, 1920) rendered in case of *The King v. Russell C. Clark*.

Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

ARTICLE I.

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:

1. Migratory Game Birds:

- (a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae or rails, including coots, gallinules and sora and other rails.
- (d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs.
- (e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

ARTICLE II.

The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

ARTICLE III.

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to wit:—

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons on cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

ARTICLE IV.

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ARTICLE V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

ARTICLE VI.

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

ARTICLE VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold or offered for sale.

ARTICLE VIII.

The High Contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

ARTICLE IX.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

[SEAL.]

ROBERT LANSING.

[SEAL.]

CECIL SPRING RICE.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the seventh day of December, one thousand nine hundred and sixteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighth day of December in the year of our Lord one thousand nine hundred and sixteen, and of the Independence of the United States of America the one hundred and forty-first.

By the President:

WOODROW WILSON.

ROBERT LANSING,

Secretary of State.

MIGRATORY BIRD TREATY ACT.³

[Approved July 3, 1918. 40 Stat., 755.]

AN ACT To give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known by the short title of the "Migratory Bird Treaty Act."

SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, or any part, nest, or egg of any such bird.

SEC. 3. That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act shall have power, without warrant, to arrest any person committing a violation of this Act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such

³ Constitutionality of act sustained by Supreme Court in decision rendered April 19, 1920, in case of *State of Missouri v. Ray P. Holland*.

cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

SEC. 6. That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this Act, or who shall violate or fail to comply with any regulation made pursuant to this Act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 7. That nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this Act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section three of this Act.

SEC. 8. That until the adoption and approval, pursuant to section three of this Act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package.

SEC. 9. That the unexpended balances of any sums appropriated by the agricultural appropriation Acts for the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen, for enforcing the provisions of the Act approved March fourth, nineteen hundred and thirteen, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this Act.

SEC. 10. That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 11. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 12. Nothing in this Act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply.

SEC. 13. That this Act shall become effective immediately upon its passage and approval.

MIGRATORY-BIRD TREATY ACT REGULATIONS.

[As approved and promulgated by the President, July 31, 1918, and amended October 25, 1918, July 28, 1919, July 9, 1920, March 3, 1921, and May 17, 1921.]

REGULATION 1.—DEFINITIONS OF MIGRATORY BIRDS.

Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, are as follows:

1. *Migratory game birds:*

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coot, gallinules, and sora and other rails.
- (d) Limicolae, or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Migratory insectivorous birds:* Cuckoos; flickers and other woodpeckers; nighthawks or bull-bats and whip-poor-wills; swifts; hummingbirds; flycatchers; bobolinks, meadowlarks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds:* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

[As amended July 9, 1920.]

REGULATION 2.—DEFINITIONS OF TERMS.

For the purposes of these regulations the following terms shall be construed, respectively, to mean—

Secretary.—The Secretary of Agriculture of the United States.

Person.—The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—The pursuit, hunting, capture, or killing of migratory birds in the manner and by the means specifically permitted.

Open season.—The time during which migratory birds may be taken.

Transport.—Shipping, transporting, carrying, exporting, receiving or delivering for shipment, transportation, carriage, or export.

REGULATION 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN.

The migratory game birds specified in Regulation 4 hereof may be taken during the open season with a gun only, not larger than No. 10 gauge, fired from the shoulder, except as specifically permitted by Regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, with the aid of a dog, the use of decoys, and from a blind or floating device

(other than an airplane, powerboat, sailboat, any boat under sail, or any floating device towed by powerboat or sailboat).

[As amended July 28, 1919, March 3, 1921, and May 17, 1921.]

REGULATION 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS.

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning doves may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, by the means and in the numbers permitted by Regulations 3 and 5 hereof, respectively, and when so taken, may be possessed any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such birds shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof.

Waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe.—The open seasons for waterfowl (except wood duck, eider ducks, and swans), coot, gallinules, and Wilson snipe or jacksnipe shall be as follows:

In Maine, New Hampshire, Vermont, Massachusetts, New York (except Long Island), Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Nevada, and that portion of Oregon and Washington lying east of the summit of the Cascade Mountains the open season shall be from September 16 to December 31;

In Rhode Island, Connecticut, Utah, California, and that portion of Oregon and Washington lying west of the summit of the Cascade Mountains the open season shall be from October 1 to January 15;

In that portion of New York known as Long Island, and in New Jersey, Delaware, Oklahoma, Texas, New Mexico, and Arizona the open season shall be from October 16 to January 31;

In Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, and Louisiana the open season shall be from November 1 to January 31; and

In Alaska the open season shall be from September 1 to December 15.

Rails (except coot and gallinules).—The open season for sora and other rails (except coot and gallinules) shall be from September 1 to November 30, except as follows:

In Louisiana the open season shall be from November 1 to January 31.

Black-bellied and golden plovers and greater and lesser yellowlegs.—The open seasons for black-bellied and golden plovers and greater and lesser yellowlegs shall be as follows:

In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the open season shall be from August 16 to November 30;

In the District of Columbia, North Carolina, South Carolina, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, and Alaska the open season shall be from September 1 to December 15;

In Vermont, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Nevada, and that por-

tion of Oregon and Washington lying east of the summit of the Cascade Mountains the open season shall be from September 16 to December 31;

In Utah and in that portion of Oregon and Washington lying west of the summit of the Cascade Mountains the open season shall be from October 1 to January 15; and

In Georgia, Florida, Alabama, Mississippi, and Louisiana the open season shall be from November 1 to January 31.

Woodcock.—The open seasons for woodcock shall be as follows:

In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas the open season shall be from October 1 to November 30; and

In Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, and Oklahoma the open season shall be from November 1 to December 31.

Doves.—The open seasons for mourning doves shall be as follows:

In Delaware, Maryland, Virginia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Minnesota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, Texas, New Mexico, Colorado, Utah, Arizona, California, Nevada, Idaho, and Oregon the open season shall be from September 1 to December 15; and

In North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi the open season shall be from October 16 to January 31.

[As amended October 25, 1918, July 28, 1919, July 9, 1920, and May 17, 1921.]

REGULATION 5.—BAG LIMITS ON CERTAIN MIGRATORY GAME BIRDS.

A person may take in any one day during the open seasons prescribed therefor in Regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking migratory birds:

Ducks (except wood duck and eider ducks).—Twenty-five in the aggregate of all kinds.

Geese.—Eight in the aggregate of all kinds.

Brant.—Eight.

Rails, coot, and gallinules (except sora).—Twenty-five in the aggregate of all kinds.

Sora.—Fifty.

Black-bellied and golden plovers and greater and lesser yellowlegs.—Fifteen in the aggregate of all kinds.

Wilson snipe, or jacksnipe.—Twenty-five.

Woodcock.—Six.

Doves (mourning).—Twenty-five.

[As amended October 25, 1918, July 28, 1919, and March 3, 1921.]

REGULATION 6.—SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS.

Waterfowl (except wood duck, eider ducks, and swans), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, woodcock, Wilson snipe or jacksnipe, and mourning doves and parts thereof legally taken may be transported in or out of the State where taken during the respective open seasons in that State, and may be imported from Canada during the open season in the Province where taken, in any manner, but not more than the number thereof that may be taken in two days by one person under these regu-

lations shall be transported by one person in one calendar week out of the State where taken; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed five days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where killed, and for an additional period of ten days next succeeding said open season; and any package in which migratory game birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof; but no such birds shall be transported from any State, Territory, or District to or through another State, Territory, or District, or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District, or Province of the Dominion of Canada in which they were taken or from which they are transported; nor shall any such birds be transported into any State, Territory, or District from another State, Territory, or District, or from any State, Territory, or District into any Province of the Dominion of Canada at a time when such State, Territory, or District, or Province of the Dominion of Canada prohibits the possession or transportation thereof.

[As amended October 25, 1918, and July 9, 1920.]

REGULATION 7.—TAKING OF CERTAIN MIGRATORY NONGAME BIRDS BY ESKIMOS AND INDIANS IN ALASKA.

In Alaska Eskimos and Indians may take for the use of themselves and their immediate families, in any manner and at any time, and possess and transport auks, auklets, guillemots, murre, and puffins and their eggs for food, and their skins for clothing.

REGULATION 8.—PERMITS TO PROPAGATE AND SELL MIGRATORY WATERFOWL.

1. A person may take in any manner and at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person authorized by a permit issued by the Secretary may possess, buy, sell, and transport migratory waterfowl and their increase and eggs in any manner and at any time for propagating purposes; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time, in any manner, except that they may be killed by shooting only during the open season for waterfowl in the State where killed, and the carcasses, with heads and feet attached thereto, of the birds so killed may be sold and transported by him in any manner and at any time to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, retail dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no migratory waterfowl killed by shooting shall be bought or sold unless each bird before attaining the age of four weeks shall have had removed from the web of one foot a portion thereof in the form of a "V" large enough to make a permanent well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Any package in which such waterfowl or parts thereof or their eggs are transported shall have plainly and conspicuously marked on the outside thereof the name and address of the permittee, the number of his permit, the name and address of the consignee, and an accurate statement of the number and kinds of birds or eggs contained therein.

4. Applications for permits must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant; place where the business is to be carried on; number of acres of land used in the business and whether owned or leased by the applicant; number of each species of waterfowl in possession of applicant; names of species and number of birds or eggs of each species if permission is asked to take waterfowl or their eggs; and the particular locality where it is desired to take such waterfowl or eggs.

5. A person granted a permit under this regulation shall keep books and records which shall correctly set forth the total number of each species of waterfowl and their eggs possessed on the date of application for the permit and on the first day of January next following; also for the calendar year for which permit was issued the total number of each species reared and killed, number of each species and their eggs sold and transported, manner in which such waterfowl and eggs were transported, name and address of each person from or to whom waterfowl and eggs were purchased or sold, together with number and species and whether sold alive or dead; and the date of each transaction. A written report correctly setting forth this information shall be furnished the Secretary during the month of January next following the issuance of the permit.

6. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records of such permittee relating thereto.

7. Permits issued under this regulation shall be valid only during the calendar year of issue, shall not be transferable, and may be revoked by the Secretary, if the permittee violates any of the provisions of the Migratory Bird Treaty Act or of the regulations thereunder.

8. A person engaged in the propagation of migratory waterfowl on the date on which these regulations become effective will be allowed until September 30, 1918, to apply for the permit required by this regulation, but he shall not take any migratory waterfowl without a permit.

[As amended October 25, 1918, and July 9, 1920.]

REGULATION 9.—PERMITS TO COLLECT MIGRATORY BIRDS FOR SCIENTIFIC PURPOSES.

A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same.

Application for a permit must be addressed to the Secretary of Agriculture, Washington, D. C., and must contain the following information: Name and address of applicant, his age, and name of State, Territory, or District in which specimens are proposed to be taken and the purpose for which they are intended. Each application shall be accompanied by certificates from two well-known ornithologists that the applicant is a fit person to be intrusted with a permit.

The permit may limit the number and species of birds, birds' nests or eggs that may be collected thereunder and may authorize the holder thereof to possess, buy, sell, exchange, and transport in any manner and at any time migratory birds, parts thereof, and their nests and eggs for scientific purposes; or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof, and their nests and eggs for scientific purposes without a permit, but no specimens shall be taken without a permit. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

A taxidermist when authorized by a permit issued by the Secretary may possess, buy, sell, exchange, and transport in any manner and at any time migratory birds and parts thereof legally taken, or he may be limited to one or more of these privileges.

Each permit shall expire on the thirty-first day of December succeeding its issuance unless otherwise specified therein, shall not be transferable, and shall be revocable at the discretion of the Secretary. A person holding a permit shall report to the Secretary on or before January 10 following its expiration the number of skins, nests, or eggs of each species collected, bought, sold, exchanged, or transported.

Every package in which migratory birds or their nests or eggs are transported shall have clearly and conspicuously marked on the outside thereof the name and address of the sender, the number of the permit in every case when a permit is required, the name and address of the consignee, a statement that it contains specimens of birds, their nests, or eggs for scientific purposes, and, whenever such a package is transported or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, an accurate statement of the contents.

[As amended October 25, 1918, and March 3, 1921.]

REGULATION 10.—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY.

When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

REGULATION 11.—STATE LAWS FOR THE PROTECTION OF MIGRATORY BIRDS.

Nothing in these regulations shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, their nests, and eggs contrary to the laws and regulations of any State, Territory, or District made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, or the migratory bird treaty act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

[Added by proclamation of October 25, 1918, as amended July 9, 1920.]

June 25, 1921.

United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

SERVICE AND REGULATORY ANNOUNCEMENTS.

REGULATIONS FOR THE ALEUTIAN ISLANDS RESERVATION, ALASKA.

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of Commerce by Executive Order No. 1733 of March 3, 1913, section 84 of the act of March 4, 1909 (35 Stat., 1088), and the acts of April 21, 1910 (36 Stat., 327), and May 31, 1920 (Public, No. 234, 66th Cong.), the following regulations for the administration of the Aleutian Islands Reservation, created by said Executive order, are hereby adopted and ordered to take effect the 1st day of June, 1921.

In testimony whereof, we have hereunto set our hands and caused the seals of our respective departments to be affixed this 30th day of April, 1921.

[SEAL.]

HENRY C. WALLACE,
Secretary of Agriculture.

[SEAL.]

HERBERT HOOVER,
Secretary of Commerce.

REGULATIONS FOR THE ADMINISTRATION OF THE ALEUTIAN ISLANDS RESERVATION, ALASKA.

1. *Jurisdiction.*—In compliance with existing laws and to carry out the objects of the Executive order establishing the Aleutian Islands Reservation, all matters relating to wild birds and game, the propagation of reindeer and of domestic animals, and the propagation and killing of land fur-bearing animals will be under the immediate jurisdiction of the Department of Agriculture; all matters pertaining specifically to walruses, sea lions, fur seals, sea otters, the fisheries, and all aquatic life will be under the immediate jurisdiction of the Department of Commerce; and all matters affecting the reservation other than those specifically mentioned above will be under the joint jurisdiction of the Departments of Agriculture and Commerce.

2. *Residence on reservation.*—Persons residing within the limits of the reservation on April 1, 1921, will be permitted to continue so to reside and carry on any lawful business not interfering with the purposes of the reservation.

3. *Resident permits.*—Residents of the reservation desiring to engage in commercial fishing, or hunting, trapping, or propagating fur-bearing or game animals, or propagating domestic animals, such as sheep, cattle, or reindeer, must first obtain a permit to do so. The Eskimos or Aleutian natives of the islands may hunt and trap without a permit except on islands held under fur-farming permits.

4. *Nonresident permits.*—Anyone desiring to enter the reservation for the purpose of fishing, of hunting, trapping, or propagating fur-bearing or game animals, of propagating sheep, cattle, or reindeer, of engaging in commercial fishing, salmon canning, salmon salting, or otherwise curing or utilizing fish or other aquatic products, or of engaging in any lawful business, must first obtain a permit to do so, but no permit to engage in any of the activities named above will be granted to an alien or to any corporation more than 50 per cent of which is owned by aliens. Permits to enter the reservation for the purpose of engaging in any business will be granted only when the department concerned is convinced that, by so doing, the objects for which the reservation was established will not be endangered thereby.

5. *Applications for permits.*—Applications for fishing permits should be addressed to the Commissioner of Fisheries, Washington, D. C. Applications for permits to hunt, trap, or propagate land fur-bearing or domestic animals should be addressed to the Reservation Warden, Biological Survey, Unalaska, Alaska.

6. *Fishing permits.*—Applications for permission to engage in fishing or fishery operations should give full information on the following points: Name and permanent address of person or corporation desiring permit; character of business proposed, whether fishing, canning, salting, or otherwise curing fish or other aquatic products; character and extent of proposed plant and its location; method and extent of the fishing proposed; place or places where fishing is to be carried on; and when active operations are to begin.

7. *Trapping and hunting permits.*—Applications for permission to engage in trapping, hunting, or propagating land fur-bearing or game animals, or in propagating sheep, cattle, or reindeer, should give information on the following points: Name of person or corporation desiring the permit and the island or islands on which it is proposed to operate; a full statement as to the names of the persons, if any, interested with the applicant, including a statement as to their citizenship; the number of animals of each kind it is proposed to introduce; what improvements are to be made; and other details to give a clear idea of the proposed operations. At present no permits will be issued for trapping or hunting land fur-bearing animals except to natives of or residents on the reservation.

8. *Fox shipping.*—For the present no permits will be issued for the shipment of live foxes from the reservation, except the surplus from islands which have been stocked for fur-farming purposes.

9. *Collecting permits.*—When compatible with the purposes of the reservation permits to collect birds, mammals, or other natural-history specimens on the reservation for scientific purposes may be granted to properly accredited representatives of the United States Government, and to others actually engaged in scientific investigations.

10. *Reindeer and caribou.*—The killing of reindeer and caribou on any of the islands of the reservation is hereby prohibited except under special permit, applications for which should be addressed to the reservation warden, Biological Survey, Unalaska, Alaska.

11. *Walruses*.—The killing of walruses within the reservation is hereby prohibited at all times.

12. *Sea lions*.—The killing of sea lions on their rookeries or hauling grounds in the reservation is hereby prohibited at all times.

13. *Sea otters*.—The killing of sea otters within the reservation is hereby prohibited until November 1, 1925, and thereafter except under special permit.

14. *Fur seals*.—The killing of fur seals within the reservation is hereby prohibited at all times.

EXECUTIVE ORDER.

It is hereby ordered that all islands of the Aleutian chain, Alaska, including Unimak and Sannak Islands on the east, and extending to and including Attu Island on the west, be and the same are hereby reserved and set apart as a preserve and breeding ground for native birds, for the propagation of reindeer and fur bearing animals, and for the encouragement and development of the fisheries. Jurisdiction over the wild birds and game and the propagation of reindeer and fur bearing animals is hereby placed with the Department of Agriculture, and jurisdiction over the fisheries, seals, sea otter, cetaceans and other aquatic species, is placed with the Department of Commerce and Labor.

It is unlawful for any person to kill any otter, mink, marten, sable or fur seal, or other fur bearing animal within the limits of Alaska Territory, except under such regulations as may be prescribed by the Secretary of Commerce and Labor; and it is unlawful for any person to kill any game animals or birds in Alaska or ship such animals or birds out of Alaska except under the provisions of law and under such regulations as may be prescribed by the Secretary of Agriculture.

Within the limits of this reservation it is unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, except under such rules and regulations as may be prescribed by the Secretary of Agriculture.

Warning is expressly given to all persons not to commit any of the acts herein enumerated and which are prohibited by law.

The establishment of this reservation shall not interfere with the use of the islands for lighthouse, military, or naval purposes, or with the extension of the work of the Bureau of Education on Unalaska and Atka Islands.

This reservation to be known as the Aleutian Islands Reservation.

WM. H. TAFT.

THE WHITE HOUSE, *March 3, 1913.*

TRANSFER OF JURISDICTION.

The act of May 31, 1920 (Public, No. 234, 66th Cong.), provides that "hereafter the powers and duties heretofore conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-bearing animals in Alaska, and with respect to the leasing of certain islands in Alaska for the propagation of fur-bearing animals, are hereby conferred upon, and shall be exercised by, the Secretary of Agriculture, and the powers and duties conferred upon the Secretary of Agriculture by existing law, with respect to walruses and sea lions, are hereby conferred upon, and shall be exercised by the Secretary of Commerce: *Provided*, That nothing in this

Act shall affect the powers and duties conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to fur seals and sea otters, and jurisdiction over the Pribilof Islands and the fur-bearing animals thereon; and hereafter the wardens and other officers heretofore or hereafter appointed by the Secretary of Agriculture for the protection of bird reservations in Alaska under control of the Department of Agriculture, or for the protection of fur-bearing animals in Alaska, shall have and exercise like authority and powers in the performance of their respective duties as are conferred upon game wardens by the Alaska game law of May 11, 1908 (Thirty-fifth Statutes at Large, page 102), and by existing law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska."

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September 12, 1921.

United States Department of Agriculture,
BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

SERVICE AND REGULATORY ANNOUNCEMENTS.

HUNTING OF MIGRATORY GAME BIRDS ON NINE-PIPE AND PABLO
RESERVATIONS, MONTANA.

ORDER.

Until further order, migratory game birds may be hunted on Nine-Pipe and Pablo Reservations in the State of Montana, set apart and reserved as breeding grounds for native birds by Executive Orders Nos. 3503 and 3504, respectively, of June 25, 1921, during the times, in the numbers, by the means, and in accordance with all other conditions and restrictions, authorized and prescribed by the Migratory Bird Treaty Act Regulations and under such conditions and restrictions as are imposed upon the hunting of such birds by the laws of Montana.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 23, 1921.*

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United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

SERVICE AND REGULATORY ANNOUNCEMENTS.

REGULATIONS FOR THE PROTECTION OF LAND FUR-BEARING ANIMALS IN ALASKA.

The act of May 31, 1920, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921" (41 Stat., 694, at pp. 716-717), conferred upon the Secretary of Agriculture the powers and duties theretofore conferred upon the Secretary of Commerce, by law, proclamations, or Executive orders, with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-bearing animal in Alaska.

Section 1956 of the Revised Statutes, as amended by section 173 of the act of March 3, 1899 (30 Stat., 1253), and by section 4 of the act of April 21, 1910 (36 Stat., 326-327), provides that—

No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law.

Pursuant to the authority conferred upon the Secretary of Agriculture under the aforesaid acts of Congress, the following regulations effective September 1, 1921, are prescribed to govern the killing of land fur-bearing animals in Alaska:

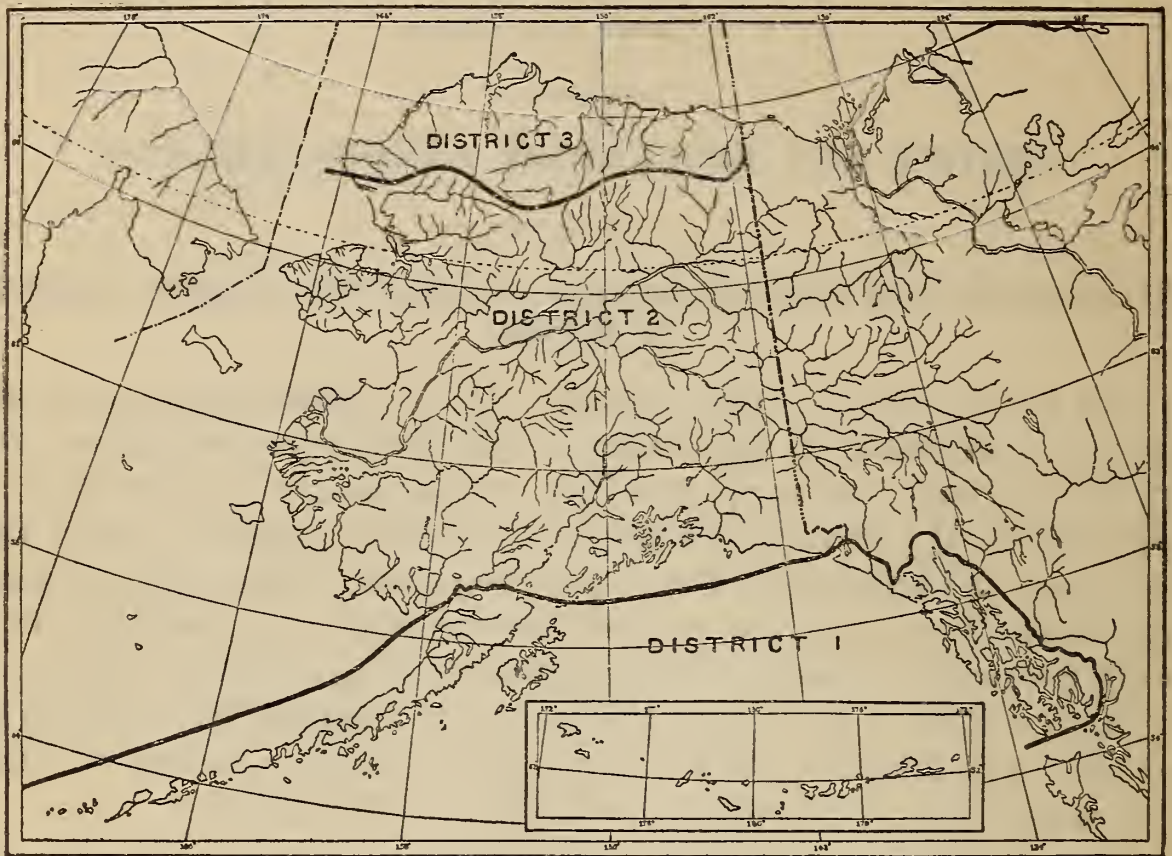
REGULATION 1.—DISTRICTS.

The climatic and physiographic features of different parts of Alaska vary so greatly that in order to serve the convenience of trappers and the cause of conservation with justice it has been deemed advisable to divide the Territory into three districts, in each of which the conditions relating to fur are comparatively uniform. These districts are shown in the accompanying map and may be described as follows:

District 1 includes the Aleutian Islands, Alaska Peninsula and neighboring islands, and Southeastern Alaska, mainland and islands, from Yakutat Bay to Dixon Entrance.

District 2 includes the mainland and islands from Yakutat Bay, Gulf of Alaska, Iliamna Lake, and Bristol Bay, northward to the headwaters of the streams flowing into the Arctic Ocean north of the sixty-eighth parallel of north latitude.

District 3 includes the region drained by the streams entering the Arctic Ocean north of the sixty-eighth parallel of north latitude.



Map of Alaska showing fur districts.

REGULATION 2.—UNPRIME PELTS.

No land fur-bearing animal shall be killed when its pelt is unprime.

REGULATION 3.—OPEN SEASONS.

The black, glacier, and cinnamon bear, wolf, wolverine, squirrel, marmot, varying hare (rabbit), and Arctic hare may be killed at any time.

The following land fur-bearing animals may be killed in the specified districts during the following open seasons:

District 1:

Muskrat, December 16 to April 30, both dates inclusive.

Beaver, December 1 to March 31, both dates inclusive.

Marten (American sable), November 16 to March 31, both dates inclusive.

Mink, otter (land), and weasel (ermine), December 16 to March 31, both dates inclusive.

Fox and lynx, December 1 to February 28, both dates inclusive.

District 2:

Muskrat, December 1 to May 31, both dates inclusive.

Beaver, marten (American sable), mink, otter (land), and weasel (ermine), November 16 to March 31, both dates inclusive.

Fox and lynx, December 1 to March 15, both dates inclusive.

District 3:

Muskrat, December 1 to May 31, both dates inclusive.

Beaver, marten (American sable), mink, otter (land), and weasel (ermine), November 16 to March 31, both dates inclusive.

Fox and lynx, December 1 to March 15, both dates inclusive.

REGULATION 4.—ARTIFICIAL LIGHTS AND SHOOTING.

The killing of any of the following land fur-bearing animals, viz, white fox, blue fox, red fox, cross fox, black or silver fox, mink, marten (American sable), weasel (ermine), otter (land), muskrat, and beaver by use of a jack or pit lamp or any other artificial light, or by shooting with either a rifle, shotgun, or pistol, is prohibited at all times.

REGULATION 5.—TRAPS.

The killing of any land fur-bearing animal at any time by means of the trap or device known as the "klips," or by means of any steel bear trap or any other trap with jaws having a spread exceeding 8 inches is prohibited.

REGULATION 6.—DOGS.

The use of dogs for pursuing and killing any land fur-bearing animal for which a close season is prescribed for any period is prohibited.

REGULATION 7.—POISON.

The killing of any land fur-bearing animal by means of strychnine or any other poison is prohibited at all times.

NOTE.—The Criminal Code of Alaska (Title I, chap. 13, sec. 186) provides that all persons concerned in the commission of a crime, whether they directly commit the act constituting the crime or aid and abet in its commission, though not present, are principals, and to be tried and punished as such. By this section any person knowingly selling poison for the purpose of killing land fur-bearing animals is a participator in the crime and is likewise punishable.

REGULATION 8.—SEIZURE OF SKINS.

All skins of land fur-bearing animals killed in violation of these regulations found in the possession of any person in Alaska shall be seized by wardens and other officers designated by the Secretary of Agriculture, or other officers authorized by law, and such wardens and other officers shall hold said skins for such disposition as shall be ordered by the court having jurisdiction of a suit for condemnation and forfeiture thereof.

Shipments of fur from Alaska, whether shipped as personal baggage or otherwise, will be subject to examination by proper authorities and may be detained if the shipment was made in violation of these regulations.

REGULATION 9.—PENALTIES FOR UNLAWFUL SHIPMENT AND TRANSPORTATION.

The following statute (act Mar. 4, 1909, 35 Stat., 1137-1138) will be strictly enforced:

SEC. 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.

* * * * *

SEC. 244. For each evasion or violation of any provision of the three sections last preceding the shipper shall be fined not more than two hundred dollars; the

consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars.

REGULATION 10.—SHIPMENTS OF FURS TO BE REPORTED.

Shipments of furs consigned to points outside of Alaska, which may be made at any time, should be reported to the Bureau of Biological Survey, Department of Agriculture, on appropriate blanks which will be supplied for that purpose.

REGULATION 11.—PENALTIES AND FORFEITURES.

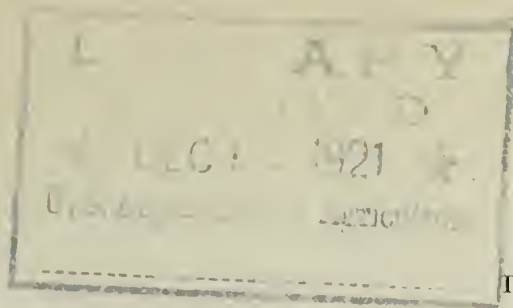
The penalties and forfeitures imposed will be strictly enforced against all persons who commit acts in violation of law or the regulations promulgated in accordance therewith.

On and after September 1, 1921, all regulations for the protection of land fur-bearing animals in Alaska made and published by the Secretary of Agriculture under authority of the Alaska fur law prior to the regulations hereby made and published shall be and are hereby revoked.

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed, in the District of Columbia, this 30th day of August, 1921.

[SEAL.]

HENRY C. WALLACE,
Secretary of Agriculture.



December 9, 1921.

United States Department of Agriculture,
BUREAU OF BIOLOGICAL SURVEY.

E. W. NELSON, *Chief of Bureau.*

SERVICE AND REGULATORY ANNOUNCEMENTS.

FISHING ON BIG LAKE RESERVATION, ARKANSAS.

NETS AND OTHER SET FISHING TACKLE.

WASHINGTON, D. C., *November 7, 1921.*

By virtue of the authority vested in the Secretary of Agriculture by section 84 of the act of March 4, 1909 (35 Stat. 1088), entitled "An act to codify, revise, and amend the penal laws of the United States," and otherwise, the following rule and regulation, to prevent the use of all set fishing tackle in violation of the laws of the State of Arkansas, is hereby adopted, effective on and after January 1, 1922.

Notice is hereby given that, until further order, all nets and other set tackle, except limb lines used for fishing on Big Lake Reservation in the State of Arkansas, shall be tagged with metal tags which will be furnished upon application to the warden in charge of the Big Lake Reservation, without cost, to holders of fishing permits issued by the Chief of the Bureau of Biological Survey. Said tags will bear identification numbers or letters and at least one tag must be attached to each net or other set tackle except limb lines. All persons are warned that untagged nets and other set tackle except limb lines will be subject to seizure.

HENRY C. WALLACE,
Secretary of Agriculture.

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